IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17421 of 2004

Between:

A.Venkata Naidu S/o.A.Venkatanarayana
Bandlapalli Pappur Village,
Narpala Mandal, Ananthapur District.

..... PETITIONER

AND

1 The District Collector, Anantapur District.
2 The Mandal Revenue Officer Singanamala Mandal,
Ananthapur District.
3 The Station House Officer, Narpala P.S., Ananthapur District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of a writ of Mandamus declaring the action of the respondents 2 and 3 in seeking to interfere with the borewell of the petitioner located in Sy.No.298 of Bandlapalli Pappur Village, Narpala Mandal, Anantapur District, as otherwise than in due process of law, as illegal, arbitrary, without jurisdiction, voilative of Articles 14 and 21 of the Constitution of India and also being violative of express provisions enunciated under A.P. Water Land and Trees Act 2002 and to pass appropriate orders.

Counsel for the Petitioner :MR.K. MAHESWARA RAO

Counsel for the Respondent Nos 1 and 2: GP FOR REVENUE

Counsel for the Respondent No.3: The Government Pleader for Home.

The Court made the following :

ORDER:

Heard both sides and with their consent the writ petition is disposed of at the stage of admission.

The petitioner already invoked the jurisdiction of the civil court in O.S.No.619 of 2003 before the Junior Civil Judge, Anantapur, from restraining the respondents in obstructing him in drawing the water from the borewell. In view of the same, the present writ petition cannot be entertained.

The writ petition is accordingly dismissed and the petitioner is given liberty to pursue the remedies available to him before the civil court. No costs.

29.9.2004

CVM

To,

1 The District Collector, Anantapur District.
2 The Mandal Revenue Officer, Singanamala Mandal,
Ananthapur District.
3 The Station House Officer, Narpala P.S., Ananthapur District.

4. 2 CCs to G.P. for Revenue, High Court of A.P., Hyderabad (OUT).

5. 2 CCs to the G.P. for Home, High Court of A.P., Hyderabad (OUT).

6. 2 CD copies.